

Introduced by Senator Leslie

February 26, 1997

An act to add Section 337j to the Penal Code, relating to gambling.

LEGISLATIVE COUNSEL'S DIGEST

SB 777, as amended, Leslie. Gambling: ~~transmission by wire~~ *interactive computer service or system*.

(1) Existing law makes a person who knowingly transmits, by any means whatsoever, information as to the progress or results of a horserace, or information as to wagers, betting odds, changes in betting odds, post or off times, jockey or player changes in any contest or trial, or purported contest or trial, involving humans, beasts, or mechanical apparatus punishable by imprisonment in the county jail for a period of not more than one year or in the state prison.

This bill would make every person who knowingly uses a ~~wire communication facility~~ *an interactive computer service or system, as defined*, to engage in gaming, as defined, ~~to conduct any lottery, to transmit bets or wagers, to transmit information in the placing of bets or wagers,~~ or to receive money or credit as a result of gaming, ~~participating in a lottery, or placing bets or wagers, punishable by imprisonment in the county jail for a period of not more than one year or in the state prison~~ *guilty of a misdemeanor*.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 337j is added to the Penal Code,
2 to read:

3 ~~337j. (a) Every person who knowingly uses a wire~~
4 337j. (a) Every person who knowingly uses an
5 interactive computer service or system to engage in
6 gaming, to transmit bets or wagers, or to receive money
7 or credit as a result of gaming or placing bets or wagers,
8 is guilty of a misdemeanor.

9 (b) As used in this section:

10 (1) "Gaming" means to play, for an opportunity to
11 obtain something of value, the award of which is
12 determined by chance, any type of game that the
13 Legislature is prohibited from authorizing pursuant to
14 either subdivision (a) or (e) of Section 19 of Article IV of
15 the California Constitution, or any type of game
16 prohibited and made unlawful by Chapter 9
17 (commencing with Section 319) or this chapter.

18 (2) "Interactive computer service or system" means
19 an information service, system, or access software
20 provider that provides or enables computer access by
21 multiple users to a computer server, including an
22 information service, system, or access software provider
23 that provides access to a network system commonly
24 known as the Internet, or any comparable system or
25 service.

26 (c) This section does not apply to the California State
27 Lottery. However, nothing in this subdivision shall be
28 construed to make lawful any activity that is prohibited
29 by Chapter 12.5 (commencing with Section 8880) of
30 Division 1 of Title 2 of the Government Code.



1 (d) Except as provided in subdivision (c), this section
2 does not apply to any type of gambling operation
3 otherwise authorized by law.

4 (e) Nothing in this section shall be construed to make
5 lawful any activity that is prohibited by any other
6 provision of law.

7 ~~communication facility to engage in gaming, to conduct~~
8 ~~any lottery, to transmit bets or wagers, to transmit~~
9 ~~information in the placing of bets or wagers, or to receive~~
10 ~~money or credit as a result of gaming, participating in a~~
11 ~~lottery, or placing bets or wagers, is punishable by~~
12 ~~imprisonment in the county jail for a period of not more~~
13 ~~than one year or in the state prison.~~

14 ~~(b) As used in this section, “gaming” means to play a~~
15 ~~game for money or property.~~

16 SEC. 2. No reimbursement is required by this act
17 pursuant to Section 6 of Article XIII B of the California
18 Constitution because the only costs that may be incurred
19 by a local agency or school district will be incurred
20 because this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition
24 of a crime within the meaning of Section 6 of Article
25 XIII B of the California Constitution.

26 Notwithstanding Section 17580 of the Government
27 Code, unless otherwise specified, the provisions of this act
28 shall become operative on the same date that the act
29 takes effect pursuant to the California Constitution.